

REMARKS

Favorable reconsideration of this application is respectfully requested.

Replacement Figures 1-6 have been submitted on November 26, 2007. Replacement Figure 1 is now labeled as --Prior Art-- as requested in paragraph 1 in the Office Action. Otherwise replacement Figures 1-6 correspond to original Figures 1-6, but are more formally drawn.

Applicants also note that returned with the outstanding Office Action was a Form PTO-1449 for an Information Disclosure Statement (IDS) filed in the present application. However, applicants note the returned Form PTO-1449 apparently inadvertently did not initial references AW and AX in the "Other References" section of that Form PTO-1449. Consideration of those references is believed to be proper. Thereby, applicants respectfully request that a new Form PTO-1449 be returned that properly acknowledges consideration of those references.

Claims 1-7 are pending in this application. Claim 1 was rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 1 of prior U.S. patent 6,668,376. Claims 2-7 were rejected on the grounds of non-statutory obviousness-type double patenting as unpatentable over claims 1-16 of U.S. patent 6,668,376. Claims 6-7 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-7 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 6,269,481 to Perlman et al. (herein "Perlman") and further in view of U.S. patent 6,473,854 to Fleming, III (herein "Fleming").

The above-noted rejections are traversed by the present response as discussed next.

Addressing now the rejection of claim 1 under 35 U.S.C. § 101 as claiming the same invention as that of claim 1 of U.S. patent 6,668,376, that rejection is traversed by the present response.

The above-noted rejection in paragraph 4 of the Office Action recognizes distinctions between claim 1 as currently written and claim 1 in U.S. patent 6,668,376. Applicants respectfully submit in view of such differences clearly claim 1 of the present application does not claim the same invention as claim 1 of U.S. patent 6,668,376.

As an example, claim 1 in U.S. patent 6,668,376 recites “obtaining identification data of the peripheral device from the peripheral device”. That feature is not recited in claim 1 in the present application and applicants respectfully submit that feature is not inherent in claim 1 in the present application. That is the case because although identification data may be obtained in the present invention, it is clearly not inherent that such identification data must be obtained “from the peripheral device”. Inherency would require no other way of obtaining such identification data, which applicants respectfully submit is not the case.

Applicants also note the other differences noted in paragraph 4 of the Office Action are similarly not inherent in claim 1 in the present application.

Thereby, the outstanding rejection under 35 U.S.C. § 101 is traversed by the present response.

Addressing now the rejection of claims 2-7 on the grounds of non-statutory obviousness-type double patenting as unpatentable over claims 1-16 of U.S. patent 6,668,376, that rejection is traversed by the present response. Specifically, filed with the present response is a Terminal Disclaimer over U.S. patent 6,668,376. The submission of that Terminal Disclaimer is believed to address that outstanding double patenting rejection.

Addressing now the rejection of claims 6-7 under 35 U.S.C. § 112, second paragraph, that rejection is traversed by the present response. Claim 6 is amended to now depend from independent claim 3, which provides antecedent basis for the “computer system” in claim 6.

The claims are also amended to correct minor typographical errors therein.

Addressing now the rejection of claims 1-7 under 35 U.S.C. § 103(a) as unpatentable over Perlman and further in view of Fleming, that rejection is traversed by the present response.

Initially, applicants note the claims are amended to clarify certain language therein. The claims specifically clarify an identification data of the peripheral device is utilized to obtain the URL address that contains the device driver corresponding to the peripheral device. The claims also clarify that a location is accessed using the URL address. Applicants submit those claim features do not add any new issues.

Applicants respectfully submit the outstanding rejection is not fully considering a feature positively recited in the claims. Specifically, independent claim 1 recites:

(a) obtaining an URL address containing the device driver corresponding to the peripheral device by (a1) accessing a previously generated database *stored in the computer* based on identification data of the peripheral device, the database storing URL addresses and a correspondence of the identification data of the peripheral device to the stored URL addresses[.] [Emphasis added].

The other independent claims recites a similar feature. According to such a feature, and with reference to Figure 2 in the present specification as a non-limiting example, a computer 1 that is connected to a peripheral device 2 includes its own URL database 13. The computer 1 can operate to access that URL database 13 based on identification data of the peripheral device 2. The computer 1 can then use a URL address from the URL database 13 to obtain an appropriate device driver for the peripheral device 2.

The applied art does not disclose or suggest a *computer itself including such a URL database*.

With respect to the above-noted feature the outstanding rejection appears to cite Perlman, for example in claims 2 and 9. However, applicants respectfully submit Perlman clearly does not disclose or suggest the above-noted feature as in Perlman no database storing

URL addresses is provided internal to a computer to which the peripheral device is connected. More specifically, Perlman discloses for example a WebTV client 1 that can have an appropriate device driver installed therein. Perlman discloses that the WebTV client 1 must access a WebTV server 5 to obtain that device driver. Perlman in that respect is not even similar to the claimed invention in that in Perlman the WebTV server 5 stores all of the device drivers for the peripheral devices and includes device codes for all the peripheral devices.¹ In Perlman the WebTV client 1 accesses the WebTV server 5 and then downloads an appropriate device driver from the WebTV server 5.

Perlman differs from the claims in that in Perlman the WebTV client 1 does *not* itself include any database storing URL addresses. That is, Perlman does not even utilize any URL address, and thereby clearly Perlman would not include a database corresponding identification data of the peripheral device with a URL address. In the claims a database corresponds identification data of a peripheral device to a URL address that contains a device driver for the peripheral device. In the claims that database internal to the computer is accessed based on the identification data of the peripheral device to find a corresponding URL address, and then a specific location is accessed using the URL address. Perlman does not disclose or suggest any even similar features.

Stated another way, for Perlman to meet the claim limitations Perlman would have to include a structure in which each WebTV client 1 included its own database storing URL addresses for peripheral devices. Perlman clearly does not disclose or suggest such a feature.

Moreover, no teachings in Fleming cure the above-noted deficiencies in Perlman. That is, Fleming also does not disclose or suggest any structure in which a computer itself that is to be connected to a peripheral device includes its own database storing URL

¹ Perlman at column 6, lines 42-45.

addresses in correspondence to peripheral device identification data. Thereby, Fleming can not cure the deficiencies in Perlman discussed above.

Moreover, and as recognized in the Office Action, Perlman does not even disclose obtaining URL addresses. The outstanding rejection cites Fleming for that proposition, but such teachings in Fleming are irrelevant to Perlman. Specifically, Perlman is configured to be a closed system in which a WebTV server 5 includes all device drivers for peripheral devices that can be connected to the WebTV client 1. Perlman is not directed to a device that would allow the WebTV client 1 itself to utilize a URL address to access a location to download a device driver. Thereby, the teachings in Fleming are irrelevant to the device of Perlman, and in view of such applicants respectfully submit one of ordinary skill in the art would not have even modified Perlman in view of the noted teachings in Fleming.

In view of the foregoing comments applicants respectfully submit the claims as currently written clearly distinguish over Perlman in view of Fleming.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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